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REMARKS/ARGUMENTS

Introduction

In the Office Action mailed December 17, 2004, claims 1-20 remain pending in the present application. The Examiner rejected all claims (1 – 20), with claims 1-9 and 12-20 rejected under 35 U.S.C. §102 as being unpatentable over the Netscreen Security Appliances ("Netscreen") publication. Claims 10 and 11 were rejected under 35 U.S.C. §103(a) as being unpatentable in light of the Netscreen publication in combination with official notice that it was old and well known in the art to provide notification via telephone or email.

The Examiner reported that the arguments filed in the September 16, 2004 response were considered, but are now moot in light of the new grounds for rejection.

Interview

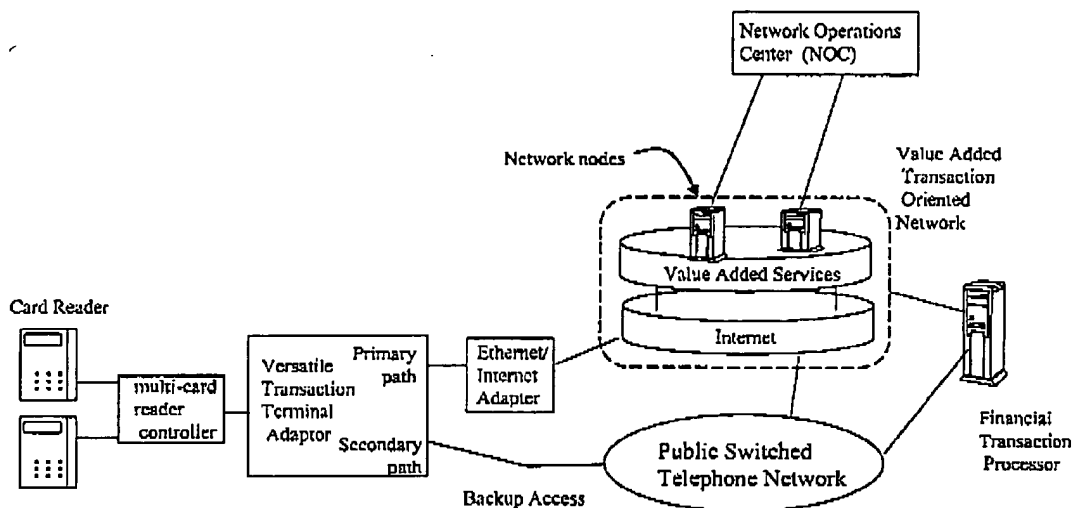
Applicant thanks the Examiner for the interview granted on January 10, 2005, to discuss the overall system in light of independent claim 1 and the Netscreen publication. Applicant accepts the Examiner's invitation to document some of the distinctions identified in the interview in this response.

The Applicant also thanks the Examiner for clarifying that the rejections of the first Office Action are withdrawn in light of the present rejections.

Overview

To facilitate consideration of the argument presented, the following figure is provided combining selective aspects of Figures 1 and 2 from the specification.

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As shown in this particular embodiment, a card reader is operatively connected to the versatile terminal adapter for the purpose of interacting with the financial transaction processor. A typical interaction involves a transaction for verification of a credit card charge. The transaction data is communicated over a primary communication path by the terminal adapter via a value added transaction network that incorporates the Internet. The value added network also incorporates network nodes that provides, in part, the value added services. Transaction data received by a network node is relayed to the financial transaction processor (this may involve more than one network node). The financial transaction processor responds to the transaction request, and the data is returned back to the card reader.

Data other than the transaction oriented data is also transferred between the terminal adapter and the network operations center. This data may include status data about the primary and/or secondary communication path. The data may originate from the terminal adapter and is received at the network node, which in turn relays the status data to the Network Operations

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Center ("NOC") (not to the financial transaction processor). The NOC may maintain status tables regarding the individual terminal adapters.

Although this is but one of several embodiments, the terminal adapter, network node, and NOC are logically separate entities. Typically, the terminal adapter is a device physically located at the premises of the user of the value added network. The terminal adapter may adapt credit card readers, or incorporate similar type transaction terminals for use with the value added network. The terminal adapter interacts with the value added network to accomplish the interaction with the financial transaction processor, and the NOC is typically connected to the various nodes of the value added network for purposes of monitoring, administrating, and operating the network and the terminal adapters.

Discussion Of Prior Art With Respect to Claim 1

The Netscreen publication discloses a Netscreen Security Appliance providing various value added functions. The device is disclosed as located at the user's premise and connected to the Internet. The Netscreen SXT is disclosed as having primary and secondary communication paths, but the disclosure indicates that it relies on Internet service for transport, not a value added network service. There does not appear to be any disclosure of reporting a status indication of the primary or secondary path status.

Thus, the Netscreen reference does not disclose either network nodes or a NOC. Hence, there cannot be any disclosure of "receiving a first status update message from the terminal adapter by the network node...", much less the information in the status update message, namely, "a first parameter file version number ... further including a terminal adapter identification number and a first primary communication path status."

Since there is no network node disclosed, nor any disclosure of a NOC, there can not be any disclosure of "relaying the first status update message from the network node to the network operations center." Since there is no NOC disclosed by the Netscreen reference, there can be no corresponding disclosure of "receiving the first status update message at the network operations

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center... ." Finally, since there is no NOC, there can be no disclosure of "recording a status indication and recording time in a status indication table" of the message.

It should be apparent that many of the dependent limitations recited in claims 2-11 are not disclosed by the reference as well. Because the required limitations recited in independent claim 1 are not disclosed by the Netscreen reference and are incorporated into the dependent claims, dependent claims 2-11 cannot be anticipated by the Netscreen reference. Thus, Applicant respectfully submits that independent claim 1, and dependent claims 2-11 are patentable over the Netscreen reference. Applicant respectfully requests allowance for these claims.

Discussion of Independent Claim 12

Applicant submits that in light of the previously presented figure illustrating one embodiment of the network operation center (NOC) and the network, the limitations in claim 12 are not disclosed by the Netscreen reference. Specifically, the Netscreen reference does not disclose "a network operatively connected to the terminal adapter adapted to receive a first status message indication message ... including a terminal identification number, a first parameter file version number, and a first communication path status indication."

Further, the Netscreen reference does not disclose a NOC, so there is no corresponding disclosure of the NOC receiving the aforementioned message, "determining a time associated with the receipt of the first status indication message in a status table and starting a time, and the memory storing the status table associated with the terminal identification number."

Thus, it is evident that various limitations recited in independent claim 12 are not disclosed by the Netscreen reference. Further, dependent claims 13-20 incorporate the limitations from claim 13, and the reference cannot anticipate these claims either. Thus, Applicant respectfully requests allowance for these claims.

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Summary

Applicant submits that the Netscreen security appliance reference discloses a device for transferring data over the Internet and does not disclose a network node performing any value added services for the device, nor a network operations center that is connected to the network node, much less a network operations center receiving status information relayed from the network node, which in turn received the status information from a terminal adapter.

Since all the claims recite various limitations, including a network operations center, which are not disclosed by the Netscreen reference, Applicant respectfully requests that the rejections be withdrawn and that all claims are in a condition for allowance.


It is not believed that extensions of time or fees for net addition of claims are required, beyond those that may otherwise be provided for in documents accompanying this paper. However, in the event that additional extensions of time are necessary to allow consideration of this paper, such extensions are hereby petitioned under 37 CFR § 1.136(a), and any fee required therefore (including fees for net addition of claims) is hereby authorized to be charged to Deposit Account No. 16-0605.

Respectfully submitted,



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Customer No. 00826 ALSTON & BIRD LLP Bank of America Plaza 101 South Tryon Street, Suite 4000 Charlotte, NC 28280-4000 Tel Atlanta Office (404) 881-7000 Fax Atlanta Office (404) 881-7777	CERTIFICATION OF FACSIMILE TRANSMISSION I hereby certify that this paper is being facsimile transmitted to the US Patent and Trademark Office at Fax No. (703) 872-9306 on the date shown below.  Laisha Richardson Date
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